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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,953	09/28/2001	Kenneth J. Lancos	5243P001	3331

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EXAMINER

LABAZE, EDWYN

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/965,953

Applicant(s)

LANCOS ET AL.

Examiner

EDWYN LABAZE

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

1. Receipt is acknowledged of amendments filed on 8/1/2003.
2. Claims 1-36 are presented for examination.
3. This application claims the benefits of provisional application # 60/236,576 filed on 9/29/2000.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Vega et al. (U.S. 6,265,977).

Vega et al. discloses radio frequency identification tag apparatus and related method, which includes means of reading (through the reader 804 as shown in col.9, lines 10+) an identification tag 100 [which could be a smart card, an electronic card, an IC card and the like

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comprising of a memory to store predetermined data/information, a processor/CPU, an antenna for transmission/reception means] worn by a guest/user [there are many ways of wearing an identification card/tag, attachment onto the body of a person or thing; through a wrist strap or a pendant] to obtain a tag identifier (col.4, lines 20-23); accessing a guest/user data object using said tag identifier 100, 800 (col.9, lines 25+); and modifying [i.e. increment or decrement the cash value of the card/tag at point of sale] a sales amount of the item or service from a monetary credits information stored in a monetary credits data field of said guest data object by a sales amount of the item or service (col.11, lines 25+).

Re claim 2: Vega et al. teaches an apparatus and method, wherein the identification tag 100 comprises a radio frequency identification/RFID tag (col.4, lines 10-50).

Re claim 3: Vega et al. discloses an apparatus and method, wherein the identification tag 100 comprises using a n RFID reader 804 to read the tag information from the RFID tag 800 (col.9, lines 10-28).

Re claim 5: Vega et al. teaches an apparatus and method, wherein modifying the sales amount comprises a processor/controller 818 modifying the monetary credits information stored in said monetary credits data field of the guest/user data object (See Fig. # 12 of Vega et al.; col.9, lines 40+).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Vega et al. (U.S. 6,265,977) in view of Isaacman et al. (U.S. 5,936,527).

The teachings of Vega et al. have been discussed above.

Vega et al. fails to teach a non-volatile memory.

Isaacman et al. discloses method and apparatus for locating and tracking documents and other objects, which includes a micro-controller 122 with a non-volatile memory 124 (col.10, lines 22+; col.11, lines 50+).

In view of Isaacman et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention to employ into the teachings of Vega et al. a non-volatile memory so as to store ciphering program such as passwords, security codes. Furthermore, such memory prevents deletion of stored data and permit management to alter, maintain and reuse the accrued data/information to be used at a later time and for further promotions and offers. Moreover, such modification would have been an obvious modification as taught by Vega et al., therefore an obvious expedient.

8. Claims 6-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vega et al. (U.S. 6,265,977) in view of Weston et al. (U.S. 6,608,563).

The teachings of Vega et al. have been discussed above. Furthermore, Vega et al. teaches such apparatus and method could be used for numerous application such as amusement parks, sporting events, inventory management and the like (col.10, lines 21+; col.11, lines 1+) and means of printing information from the tag (col.10, lines 45-67).

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Vega et al. fails to teach a network interface to communicate with a central server, an input device comprises of a keyboard, a barcode scanner, a processor capable of receiving a digital photograph of the guest/user.

Weston et al. discloses system for automated photo capture and retrieval, which includes a RFID tag 300 (See Fig. # 3B of Weston et al.; col.7, lines 1+), a RFID reader 520 (see fig. # 5 of Weston et al.); a network interface/AXCESS to communicate with a central server (col.10, lines 5+), an input device comprises of a keyboard, a barcode scanner (col.8, lines 52+), a processor 280 capable of receiving a digital photograph of the guest/user (as shown in Fig. # 2 of Weston; col.6, lines 50+).

In view of Weston et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time of the invention to employ into the teachings of Vega et al. a complete system/hardware including a central server (from the management center to control and operate each RFID tag) and by way of link of communications link; a network interface to communicate with a central server, an input device comprises of a keyboard, a barcode scanner, a processor capable of receiving a digital photograph of the guest/user so as to oversee and control operations of the site/location without having the need of many point-of-sale/POS and security personnel. Furthermore, the hardware of the system could be implemented in many ways so as to provide easy management (daily operations and sales), printing sale confirmation information related to the item or service, using various types of software/programming for updating a purchase field (once the cash value on the tag/card/label is verified and modified) of the guest/user data with the item or service description and monitor security of the personnel/guest. Another advantage of the modified system is time saving by the guest/user for purchasing

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service, wherein the reader could detect the location of guest throughout the facility (i.e. amusement park, resorts and the like), read the cash information associated with the tag, and deduct/decrement the credit of the sales purchase. Moreover, such modification would have been an obvious modification as taught by Vega et al., therefore an obvious expedient.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-36 filed on 8/1/2003 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lu et al. (U.S. 5,432,864) discloses identification card verification.

Maccasland (U.S. 5,856,931) teaches Method and system for identifying, organizing, scheduling, executing, analyzing and documenting detailed inspection activities for specific items in either a time-based or on-demand fashion.

Evans et al. (U.S. 5,946,444) discloses system and method for creating personalized image collections from multiple locations by using a communications network.

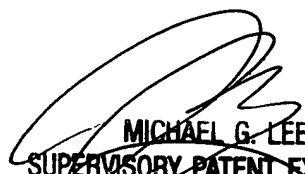
Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (703) 305-5437. The examiner can normally be reached on 7:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

el  
Edwyn Labaze  
Patent Examiner  
Art Unit 2876  
November 4, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TEC. CEN. CENTER 2800